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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,259	02/22/2002	Michael Ewart Barritt	15584.4	1597

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EXAMINER
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HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/069,259

Applicant(s)

BARRITT ET AL.

Examiner

Tanim Hossain

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/22/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on August 5, 2000. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b). The copy received is a Japanese document, which appears not to apply to this case.

### ***Claim Objections***

Claims 8-12 and 16-24 are objected to under 37 CFR 1.75(c) as being in improper form because of multiple dependent parent claims. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman (U.S. 6,622,017).

As per claim 1, Hoffman teaches a system comprising: a plurality of mobile units for use by mobile users (column 5, lines 3-11); an application server (figure 2, column 3, lines 3-17); communication means for enabling said mobile units to communicate with the application server (column 4, lines 21-28); a subscriber database comprising information about the software and/or hardware capabilities of individual mobile units (column 8, lines 29-41); a script database comprising equivalent script segments for carrying out particular functions on mobile units with different software and/or hardware capabilities (column 4, lines 1-20); wherein the application server is adapted to provide an application script to a mobile unit, said application script being prepared from script segments selected from the script database according to the information about the mobile unit stored in the subscriber database (column 10, lines 33-43).

As per claim 2, Hoffman teaches the system as claimed in claim 1, wherein the system further comprises a master database, said master database having mobile user specific data specific to the mobile user, acquired from the master database (column 8, lines 29-41).

As per claim 3, Hoffman teaches the system as claimed in claim 2, wherein a mobile unit stores a copy of said mobile user specific data (column 5, lines 11-42).

As per claim 4, Hoffman teaches the system as claimed in claim 3, wherein a mobile unit edits the copy of said mobile user specific data (column 8, lines 29-41; column 5, line 54 – column 6, line 23).

As per claim 5, Hoffman teaches the system as claim in claim 3, wherein the copy of said mobile user specific data is synchronized with the mobile user specific data stored in the master database (column 8, lines 29-41).

As per claim 6, Hoffman teaches the system as claimed in claim 5, wherein the application script is synchronized concomitantly with synchronization of the mobile user specific data (column 8, lines 29-41).

As per claim 7, Hoffman teaches the system as claimed in claim 2, wherein the mobile user specific data relates to tasks carried out by said mobile user (column 8, lines 29-54).

As per claim 8, Hoffman teaches the system as claimed in claim 2, wherein the mobile user specific data relates to tasks, which have been or are being carried out by said mobile user (column 8, lines 29-54).

As per claim 9, Hoffman teaches the system as claimed in claim 1, wherein the system further comprises master application program code means which are interpreted by the application server to prepare the application script (column 4, lines 1-20).

As per claim 10, Hoffman teaches the system as claimed in claim 9, wherein the master application program code means is stored in markup language (column 4, lines 1-20; column 14, lines 25-32).

As per claim 11, Hoffman teaches the system as claimed in claim 1, wherein said mobile units communication with the application server over the Internet (column 8, lines 56-65).

As per claim 12, Hoffman teaches the system as claimed in claim 1, wherein said mobile unit comprises a browser, said browser executing the application script (column 14, lines 25-32; column 3, lines 3-17).

As per claim 13, Hoffman teaches a method comprising the steps of: acquiring information about the software and/or hardware capabilities of a mobile unit from a subscriber database, the mobile unit being for use by a mobile user (column 5, lines 13-42; column 8, lines 29-54); and preparing an application script customized for the mobile unit from script segments being selected from a script segment database according to the software and/or hardware capabilities of the mobile client (column 4, lines 1-20; column 10, lines 32-43).

As per claim 14, Hoffman teaches the method as claimed in claim 13, wherein said application script further comprises data specific to a mobile user acquired from a master database of mobile user specific data (column 8, lines 29-54).

As per claim 15, Hoffman teaches the method as claimed in claim 13, wherein a mobile unit stores a copy of said data specific to a mobile user (column 5, lines 13-42).

As per claim 16, Hoffman teaches the method as claimed in claim 15, wherein the copy of the data specific to a mobile user is edited by the mobile user (column 5, lines 13-42; column 8, lines 29-54).

Claim 17 is rejected on the same bases as claims 5 and 6.

As per claim 18, Hoffman teaches the method as claimed in claim 14, wherein said data specific to a mobile user comprises information concerning tasks to be performed by or which have been performed by said mobile user (column 8, lines 29-54).

As per claim 19, Hoffman teaches the method as claimed in claim 13, wherein said application script is prepared with reference to a master application (column 4, lines 1-20; column 14, lines 25-32; column 3, lines 3-17).

As per claim 20, Hoffman teaches the method as claimed in claim 13, wherein said master application is stored in the form of a markup language (column 4, lines 1-20; column 14, lines 25-42).

As per claim 21, Hoffman teaches the method as claimed in claim 13, wherein a mobile unit comprises a browser and the application script is executed by said browser (column 14, lines 25-32; column 3, lines 3-17).

As per claim 22, Hoffman teaches the method as claimed in 1, further comprising program instructions which, when loaded into a computer, comprises the application server (column 2, lines 54-60).

As per claim 23, Hoffman teaches a computer program comprising program instructions for causing a computer to perform the method as claimed in claim 13 (column 4, lines 1-20).

As per claim 24, Hoffman teaches a computer program comprising the application script of claim 1 (column 4, lines 1-20).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Eagle (U.S. 6,226,739) teaches distributing software to mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tanim Hossain  
Patent Examiner  
Art Unit 2145

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER